



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,961	03/16/2001	Greg Tarbutton	040635.005	7249

25461 7590 01/05/2005

SMITH, GAMBRELL & RUSSELL, LLP
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3592

EXAMINER

BELL, PAUL A

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,961

Applicant(s)

TARBUTTON ET AL.

Examiner

PAUL A BELL

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 14-16, 19, 21, 22, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Kazaks et al. (US 2002/0046341).

With regard to claim 1 Kazaks et al. teaches an anonymous pre-paid payment system (abstract and section [0001]) comprising: a payment card corresponding to a pre-paid account to be debited (section [0001] “pre-paid payment card”), an account number assigned to said card and account(section [0012] “like account number” section [0013] “an identifying number, as an account number”), an anonymous name assigned to said card(section [0001] “the identity of the bearer may be real, anonymous, or pseudonymous”), an expiration date assigned to said card(section [0058] and figure 5 “08/03”), and e) a purchase verification processor for processing the account number to debit a purchase amount from the pre-paid account (section [0013] “amount tendered”), wherein said purchase verification processor includes a credit card processing network (section [0012] “To be compatible with existing credit card protocols”).

Art Unit: 3628

With regard to claim 2 Kazaks et al. teaches the anonymous pre-paid system of claim 1 further comprising: a mailing address selected by a cardholder to be assigned to the account (figure 5 “BILLING ADDRESS” and sections [0022] and [0015]).

With regard to claim 3 Kazaks et al. teaches the anonymous pre-paid payment system of claim 2 further comprising a magnetic strip encoded with the account number for processing by the verification processor during a purchase transaction (section [0012] “magnetic stripe”).

With regard to claim 4 Kazaks et al. teaches the anonymous pre-paid payment system of claim 1 further comprising a magnetic strip encoded with the account number for processing by the verification processor during a purchase transaction (section [0012] “magnetic stripe”).

With regard to claim 5 Kazaks et al. teaches the anonymous pre-paid payment system of claim 1 wherein said purchase verification processor processes the expiration date during a purchase transaction (section [0058]).

With regard to claim 6 Kazaks et al. teaches the anonymous pre-paid payment system of claim 5 wherein said purchase verification processor processes the anonymous name during a purchase transaction (section [0067]).

With regard to claim 7 Kazaks et al. teaches the anonymous pre-paid payment system of claim 1 further comprising a security code assigned to said card for account activation by a card holder (section [0049] “password”).

With regard to claim 8 Kazaks et al. teaches the anonymous pre-paid payment system of claim 7, wherein said security code may be changed by a card holder (figure 8 “edit your password”).

With regard to claim 9 Kazaks et al. teaches the anonymous pre-paid payment system of claim 1, wherein said purchase verification processor processes a security code entered by a card holder during a purchase transaction (section [0049] “password”).

With regard to claim 10 Kazaks et al. teaches the anonymous pre-paid payment system of claim 9 further comprising a magnetic strip encoded with the account number for processing by the verification processor during a purchase transaction (section [0012] “magnetic stripe”).

With regard to claim 11 Kazaks et al. teaches a method for an anonymous purchase transaction (abstract and section [0001]) comprising: providing a debit account with a predetermined balance (section [0013] “card has zero balance”), providing a pre-paid payment card with an account number corresponding to said account (section [0012] “like account number” section [0013] “an identifying number, as an account number”), wherein said payment card includes an expiration date (section [0058] and figure 5 “08/03”) and an anonymous name(section [0001] “the identity of the bearer may be real, anonymous, or pseudonymous”), providing a security code associated with the debit account (section [0049] “password”), receiving a purchase amount request to debit said account (section [0013] “transmitting”... “amount tendered”), verifying the purchase amount request over a credit card processing network (section [0012] “To be compatible with existing credit card protocols”), and debiting the purchase amount request from the balance (section [0050] “keeping the account balance up to date”).

With regard to claim 14 Kazaks et al. teaches the method of claim 11 wherein said account information includes a card holder designated mailing address (SEE Kazaks et al. figure 5, “BILLING ADDRESS”).

With regard to claim 15 Kazaks et al. teaches the method of claim 11 wherein said security code may be changed by a card holder (figure 8 “edit your password”).

With regard to claim 16 Kazaks et al. teaches the method of claim 15 further comprising receiving said security code to activate said card and account (section [0021] “BIN”).

With regard to claims 19 and 26 Kazaks et al. teaches, “deleting account information associated with said account based on pre-determined criteria” (Figure 8 illustrates the option of editing “Your Account Info” “password” and Shopping ID” thereby it is inherent that when you edit you change and delete previous information).

With regard to claim 21 Kazaks et al. teaches the method of claim 15 wherein said account information includes a card holder designated mailing address (SEE Kazaks et al. figure 5, “BILLING ADDRESS”).

With regard to claim 22 Kazaks et al. teaches a method for an anonymous purchase transaction (abstract and section [0001]) comprising: providing a debit account with a pre-determined balance (section [0013] “card has zero balance”), providing a pre-paid payment card with an account number corresponding to said account(section [0012] “like account number” section [0013] “an identifying number, as an account number”), wherein said payment card includes an expiration date(section [0058] and figure 5 “08/03”) and an anonymous name (section [0001] “the identity of the bearer may be real, anonymous, or pseudonymous”), receiving a purchase amount request to debit said account (section [0013] “transmitting”... “amount tendered”), verifying the purchase amount request over a credit card processing network (section [0012] “To be compatible with existing credit card protocols”), and debiting

Art Unit: 3628

the purchase amount request from the balance(section [0050] “keeping the account balance up to date”).

With regard to claim 25 Kazaks et al. teaches wherein said account information includes a card holder designated mailing address (SEE Kazaks et al. figure 5, “BILLING ADDRESS”).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12, 13, 17, 18, 20, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazaks et al. (US 2002/0046341) in view of Kwan (US 20030200179).

With regard to claims 12, 17, and 23 Kazaks et al. does not illustrate “verifying the purchase amount request with the security code”.

However Kwan teaches this above feature in his figure 3 in lowest box wherein card holder is provided a transaction code “23456” which also reads on security code.

It would have been obvious to one of ordinary skill at the time the invention was made to modify the Kazaks et al. apparatus to “verifying the purchase amount request with the security code” as taught by Kwan because Kwan provides a useful means by which the cardholder can keep a record of the transaction which also provides an easy method of looking up the sale when contacting the network.

Art Unit: 3628

With regard to claims 13, and 24 Kazaks et al. teaches wherein said account information includes a card holder designated mailing address (SEE Kazaks et al. figure 5, "BILLING ADDRESS").

With regard to claims 18 and 20, Kazaks et al. teaches, "deleting account information associated with said account based on pre-determined criteria" (Figure 8 illustrates the option of editing "Your Account Info" "password" and Shopping ID" thereby it is inherent that when you edit you change and delete previous information).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019.

Information regarding the status of an application may be obtained from Patent Application Information Retrieval (PAIR) system, see <http://pair-direct.uspto.gov>. For help with PAIR call Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or Faxed to: (703) 872-9306

Paul Bell

Paul Bell

Art unit 3628

December 27, 2004

Paul Bell
FAXED TO:
PAUL BELL
Au 3628